

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID A. STEBBINS,
Plaintiff,

v.

KARL POLANO, et al.,
Defendants.

Case No. 21-cv-04184-JSW

**ORDER REGARDING NOTICE OF
VOLUNTARY DISMISSAL AND
STRIKING MOTIONS**

Re: Dkt. No. 129, 130, 133

On April 11, 2022, Plaintiff filed a notice of voluntary dismissal without prejudice as to Defendants Alphabet Inc., Discord Inc., and Amazon.com Inc. pursuant to Federal Rule of Civil Procedure 41(a)(1). Shortly thereafter, the Corporate Defendants filed a joint motion to dismiss. (Dkt. No. 129.) Plaintiff then filed a motion to strike the motion to dismiss in light of his notice of voluntary dismissal. (Dkt. No. 130.) Corporate Defendants filed a response to Plaintiff's motion to strike. (Dkt. No. 131.) Plaintiff filed a reply followed by a motion styled as an "Emergency Motion to Expedite" the motion to strike. (Dkt. Nos. 132, 133.)

A dismissal under Rule 41(a)(1) is effective on filing, and the Court lacks the authority to disregard it or place a condition on the dismissal. *Com. Space Mgmt. Co. v. Boeing Co.*, 193 F.3d 1074, 1078 (9th Cir. 1999). For these reasons, this action is terminated as to the Corporate Defendants, and the Court STRIKES Defendants' motion to dismiss.

However, the Court does not endorse Plaintiff's efforts to manipulate the litigation process and his blatant gamesmanship. Should Plaintiff continue to dismiss and refile cases in bad faith to obtain a different result, he risks being declared a vexatious litigant in this district.

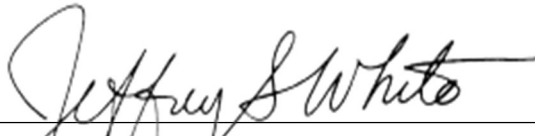
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1 Finally, the Court STRIKES Plaintiff's "Emergency Motion to Expedite" for failure to
2 comply with the Civil Local Rules. *See* N.D. Civ. L.R. 6-1.

3 **IT IS SO ORDERED.**

4 Dated: April 12, 2022

5 
6 JEFFREY S. WHITE
7 United States District Judge

United States District Court
Northern District of California